

ASSEMBLY BILL

No. 1316

Introduced by Assembly Member Harkey

February 22, 2013

An act to amend Section 13118 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1316, as introduced, Harkey. Election ballots: identical candidate names.

Existing law sets forth the procedures, requirements, and specifications relating to ballots used in all elections. Existing law authorizes a person who is a candidate for any office to file a statement with the county elections official attesting to his or her belief that some other person with a similar name that may be confused with his or her name has filed or will file a nomination paper for the same office and requesting that a number be printed with his or her name on the ballot as a distinguishing mark. Existing law sets forth the type and placement requirements with respect to the distinguishing mark. Existing law requires the elections official to place a warning that there are candidates for the same office with identical names on the ballot, any sample ballot, ballot pamphlet, or other mailing sent by the official.

This bill would modify the text of the statement contained within the candidate's request for a distinguishing mark next to his or her name on the ballot. The bill would introduce revised numerical specifications and procedures for the assignment of the distinguishing mark. The bill would also require the elections official to conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for by existing law to determine the order on the ballot for candidates with

similar names. By imposing a new requirement on local officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13118 of the Elections Code is amended
2 to read:

3 13118. The following rules apply ~~whenever any~~ *when a person*
4 *who is a candidate for any office believes that some other another*
5 *person with a name that is so similar that it may be confused with*
6 *his or her name has filed or will file a nomination paper for the*
7 *same office:*

8 (a) The candidate may, at the time of filing his or her nomination
9 paper, or within five days after the time for filing nomination
10 papers has expired, file with the ~~county~~ elections official a
11 statement that shall be in substance as follows:

12 “I _____, believe that ~~some other~~ *another* person, whose name is
13 so similar to mine that it may be confused with mine, has filed or
14 will file a nomination paper for the same office for which I have
15 filed a nomination paper, and I therefore request and direct that
16 ~~number _____ be printed with my name~~ *the elections official assign*
17 *a number to each candidate with a similar name to be printed on*
18 *the ballot as a distinguishing mark.*

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Name
Candidate
for the
office
of _____ ”

1 (b) The distinguishing mark shall be a number, *commencing*
2 *with the number "1" and continuing in numerical sequence until*
3 *each candidate with a similar name has been assigned a*
4 *distinguishing number*, and shall be printed ~~in large boldface type~~
5 at the left of the name on the ballot.

6 (c) ~~If two or more candidates for the same office designate the~~
7 ~~same distinguishing number, the~~ *The first candidate who filed his*
8 *or her nomination papers shall have the number, "1" and other*
9 ~~candidates who designate the same number may file papers~~
10 ~~designating other distinguishing numbers each subsequent~~
11 ~~candidate, based on the time of filing his or her nomination papers,~~
12 ~~shall be assigned the next number in numerical sequence.~~

13 (d) In addition to the designated ~~number or~~ numbers that the
14 ~~county~~ elections official shall place on the ballot when the above
15 conditions are met, he or she shall place on the ballot, ~~immediately~~
16 ~~following the designation of the office and~~ immediately preceding
17 the names of the candidates to be voted upon, the following
18 warning ~~in boldface type~~:

19
20 "Warning! There are two (or applicable number) candidates for
21 this office with identical names."
22

23 This warning shall also be included, ~~in boldface type and~~ in a
24 prominent manner, on any sample ballot, ballot pamphlet, or other
25 mailing sent by the ~~county~~ elections official, prior to the election,
26 to persons eligible to vote for this office.

27 (e) *To determine the order on the ballot for the candidates with*
28 *similar names, the elections official shall conduct a drawing of*
29 *the numbers assigned to the candidates in a similar manner as*
30 *provided for in Section 13112.*

31 SEC. 2. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.